

REMARKS

Claims 1-11 are pending in the application, and stand finally rejected over Chang U.S. Patent No. 5,419,766. In particular, Examiner takes the position that the oval-shaped item in the Chang patent is a crimp on the needle shaft. In the Advisory Action, Examiner revealed that she is, in effect, considering structure adjacent the needle while in the protector to be a crimp, and suggests that the crimp need not be structure that moves with the needle. Examiner does not explain how anything which is described is a crimp (which is specifically set out in claim 9) can be something other than part of the needle shaft, and thus moveable therewith. However, to make the situation clear, Applicant has amended claim 1 to read that the means which impedes movement is "fixedly coupled" to the needle shaft "at a predetermined location of the shaft". That is clearly not true of the oval-shaped member in the Chang '766 for it is not fixedly connected to the needle shaft and is adjacent to the needle shaft at differing locations depending upon where the needle shaft is on the needle shaft as the needle is pulled through the protector. Indeed, the other drawings in the case make crystal clear that the oval-shaped member is affixed to the tip protector housing and so can not be "fixedly coupled" to the needle shaft at a "predetermined location" thereof.

Under the circumstances, Applicant submits that the rejections are in error and should be withdrawn. A formal Notice of Allowance is thus respectfully solicited.

If any questions remain, Examiner is respectfully requested to contact undersigned counsel to discuss same.¹

Respectfully submitted,

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¹ Counsel attempted to call Examiner on August 19, 2004 to try and reach agreement on an amended claim 1 that would resolve all outstanding issues. Counsel left a voice mail, but has no record of receiving a return call. As evidenced by this filing, Applicant is willing to consider reasonable amendments to place the case in condition for allowance. Thus, if the present amendment does not meet with Examiner's acceptance, Applicant would appreciate a phone call to discuss same, with the hope of bringing prosecution of this case to a prompt conclusion.